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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,519	10/16/2001	Hideyuki Usui	JP920000247US1	5045

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EXAMINER

LEA EDMONDS, LISA S

ART UNIT PAPER NUMBER

2835

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/978,519

Applicant(s)

USUI ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In claim 9 applicant claims that the holding member is movable from one position to another, however applicant does not describe such a movement in the specification in such a way to enable one skilled in the art to which it pertains. To the contrary, applicant's specification describes the holding member as the pocket 5, which is not movable.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. With respect to claim 6, it is unclear to the examiner of record if applicant's intent is to claim "An apparatus comprising a housing having a holder member" (as recited in claim 5); further including a "pocket" (as recited in claim 6), as applicant states on page 14 lines 16-17 "The station body 2 also has a pocket 5 formed on its front surface facing the user who is operating and enabled to house and hold the lap-top PC 12 therein" (sic). This implies that the pocket 5 is the holding member as claimed. With respect to claim 9, it is unclear to the examiner of record how the pocket or holder member 5 is movable.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Helot (6091602). With respect to claims 1-4 and 10-12, Helot teaches an apparatus (10) comprising a vertical housing or vertical type connection enhancement apparatus (12) defining a front surface (26); a holding member (34) formed on the front surface (26) and coupled to the housing (12) which holds a portable information processing apparatus (14) substantially vertical to the housing (12) and in connection with the enhancement connector; a display unit (60) attached to the housing (12) so as to be adjustable; wherein the housing (12) houses a device (36, 38) which extends the

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function of the portable information processing apparatus (14); and wherein the connection enhancement apparatus has a pocket for housing the portable information processing apparatus (14) as claimed (see for example figure 5). With respect to the enhancement connector, the apparatus of Helot inherently teaches such a connector to connect the portable information processing apparatus (14) to the vertical docking station (12).

8. Claims 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Honda et al. (5619397). With respect to claims 5, 6, 8, and 9, as best understood, Honda et al. teaches an apparatus having an enhancement connector (132) which supports connections of a plurality of I/O ports of a portable information processing apparatus (1) comprising a housing (30, 31, 32) coupled to the enhancement connector (132), further including a pocket and is movable from an initial position parallel to an installation surface to a vertical position; a stopper (144, 145, 154, 155) which supports the portable information processing apparatus (1); a flexible extension member (115) extending from the housing (30, 31, 32); and a connector member (111a, 111b) being connected to the portable information processing apparatus (1) attached to the extension member (115) as claimed (see for example figures 1-33). With respect to claim 7, Honda et al. teaches a stopper (144, 145, 154, 155) that is a sliding table as claimed, in that it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the vertical docking stations of Goko (6519143), Janik et al. (6256193), Kirkendoll (5826042), Nguyen et al., (6480376), Cies (6353529), Mizusugi et al. (D411835), Schilz et al. (5544010), Cavello (5822185), and Ruch et al. (5687060).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds
Examiner
Art Unit 2835

A handwritten signature in black ink, appearing to read "Lisa Lea-Edmonds", written in a cursive style.

April 18, 2003